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*Attorneys for Christina Lovato, Trustee*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re  
META MATERIALS INC.,  
Debtor.

Case No.: 24-50792-hlb  
(Chapter 7)

**EX PARTE MOTION FOR ORDER  
REQUIRING CUSTODIAN OF  
RECORDS FOR VIRTU FINANCIAL,  
LLC TO APPEAR FOR EXAMINATION  
PURSUANT TO F.R.BANKR.P. 2004 AND  
TO PRODUCE RECORDS**

Hearing Date: N/A  
Hearing Time: N/A

Pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Rule 2004, Christina Lovato, Chapter 7 Trustee for the Estate of Meta Materials Inc. (“Trustee”), by and through her undersigned counsel, respectfully applies to this Court for an *Ex Parte* Order requiring the Custodian of Records of Virtu Financial, LLC (“Virtu”), to appear as set forth in a subpoena to be issued pursuant to Federal Rule of Bankruptcy Procedure 9016, at a time, place and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days written notice by the Trustee for examination, regarding the Debtor’s assets, liabilities, and financial condition.

This Motion is supported by the following Memorandum of Points and Authorities.

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1 DATED this 6th day of March, 2025.

2 ROBISON, SHARP, SULLIVAN & BRUST  
3 71 Washington Street  
4 Reno, NV 89503

5 /s/ Clayton P. Brust  
6 KENT R. ROBISON, ESQ.  
7 CLAYTON P. BRUST, ESQ.  
8 HANNAH E. WINSTON, ESQ.

9 JEFFREY L. HARTMAN, ESQ.  
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11 510 W. Plumb Lane, Suite B  
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13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 F.R.Bankr.P. 2004 provides, in relevant part, that upon motion of any party in interest, the  
15 court may order the examination of the debtor or any other entity regarding the acts, conduct,  
16 property, liabilities and financial conditions of the debtor, or any other matter which affects the  
17 administration of the debtor's estate or the debtor's right to a discharge. Rule 2004 further provides  
18 that production of documents may be compelled at this examination.

19 The Trustee seeks to conduct oral examination relating to the Debtors' assets, liabilities,  
20 and financial affairs to ascertain the facts and circumstances surrounding potential manipulation  
21 of Debtor's share prices from September 21, 2020 through August 7, 2024, and how the  
22 manipulation affected Debtor's financial condition for possible recovery on behalf of Debtor's  
23 estate. The Trustee also seeks to compel production of the following documents from Virtu (all  
24 documents of which are for the time frame of September 21, 2020 through August 7, 2024, and in  
25 respect to Meta, MMTLP, or other CUSIPs or legend identifiers pertaining to Meta or MMTLP):

- 26 1. All messages relating to the routing of orders of any type for shares Meta and/or  
27 MMTLP using FIX or binary protocol or any other protocol used for similar  
28 purposes, in the original format the data was saved, received from client broker-  
dealer of Citadel and sent to client broker-dealers of Citadel.
2. All messages relating to the routing of orders of any type for shares Meta and/or  
MMTLP using FIX or binary protocol or any other protocol used for similar

purposes, in the original format the data was saved, routed to an exchange or off-exchange trading venue on behalf of a client broker-dealer of Citadel and received from an exchange or off-exchange trading venue on behalf of a client broker-dealer of Citadel.

3. All messages relating to the routing of orders of any type for shares Meta and/or MMTLP using FIX or binary protocol or any other protocol used for similar purposes, in the original format the data was saved, routed to an exchange or off-exchange trading venue on behalf of Citadel and received from an exchange or off-exchange trading venue on behalf of Citadel.
4. All communications electronically stored in the original format captured, including transactions records and emails, related to locating, securing, borrowing, and delivering shares of Meta and/or MMTLP, including records of instances where Citadel failed to deliver (FTD) shares of Meta and/or MMTLP and records of how Citadel rectified the outstanding FTDs.
5. All records of position data representing Citadel's position in Meta and/or MMTLP, including tallies of shares sold short that were located and/or successfully borrowed as well as shares sold short that were not located and/or successfully borrowed (e.g. the position corresponding to naked short sales), produced at the frequency such data was recorded).

The requested discovery from the Custodian of Records of Virtu is well within the scope of examination permitted under F.R.Bankr.P. 2004, which includes:

[t]he acts, conduct, or property or ... the liabilities and financial condition of the debtors, or ... any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a ... reorganization case under chapter 11 of the Code, ... the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.

1 WHEREFORE, the Trustee respectfully requests that this Court enter its Order authorizing  
2 the examination of the Custodian of Records of Virtu, as described herein. A proposed Order is  
3 attached as **Exhibit 1**.

4 DATED this 6th day of March, 2025.

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8 /s/ Clayton P. Brust  
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# **EXHIBIT 1**

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

META MATERIALS INC.,

Debtor.

Case No.: 24-50792-hlb  
(Chapter 7)

**[PROPOSED] ORDER GRANTING EX  
PARTE MOTION FOR ORDER  
REQUIRING CUSTODIAN OF  
RECORDS FOR VIRTU FINANCIAL,  
LLC TO APPEAR FOR EXAMINATION  
PURSUANT TO F.R.BANKR.P. 2004**

Hearing Date: N/A  
Hearing Time: N/A

This Court having reviewed the *Ex Parte Motion For Order Requiring Custodian Of Records For Virtu Financial, LLC to Appear for Examination Pursuant to F.R.Bankr.P. 2004* (the “Motion”) submitted by Christina Lovato, the Chapter 7 Trustee, and for good cause appearing;

**IT IS HEREBY ORDERED** that the Motion is GRANTED; and

**IT IS FURTHER ORDERED** that the Custodian of Records of Virtu Financial, LLC, through an appropriate designee(s) shall appear for examination regarding the Debtor’s assets, liabilities, and financial condition, before a certified court reporter at a time, place and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days written notice by the Trustee for examination; and

**IT IS FURTHER ORDERED** that oral examination shall continue from day to day, as necessary.

1           **IT IS FURTHER ORDERED** that Virtu Financial, LLC shall produce the following  
2 documents (time range from September 21, 2020 through August 7, 2024, and in respect to Meta,  
3 MMTLP, or other CUSIPs or legend identifiers pertaining to Meta or MMTLP):

- 4           1. All messages relating to the routing of orders of any type for shares Meta and/or  
5 MMTLP using FIX or binary protocol or any other protocol used for similar  
6 purposes, in the original format the data was saved, received from client broker-  
7 dealer of Citadel and sent to client broker-dealers of Citadel.
- 8           2. All messages relating to the routing of orders of any type for shares Meta and/or  
9 MMTLP using FIX or binary protocol or any other protocol used for similar  
10 purposes, in the original format the data was saved, routed to an exchange or off-  
11 exchange trading venue on behalf of a client broker-dealer of Citadel and  
12 received from an exchange or off-exchange trading venue on behalf of a cli-ent  
13 broker-dealer of Citadel.
- 14           3. All messages relating to the routing of orders of any type for shares Meta and/or  
15 MMTLP using FIX or binary protocol or any other protocol used for similar  
16 purposes, in the original format the data was saved, routed to an exchange or off-  
17 exchange trading venue on behalf of Citadel and re-ceived from an exchange or  
18 off-exchange trading venue on behalf of Citadel.
- 19           4. All communications electronically stored in the original format captured,  
20 including transactions records and emails, related to locating, securing,  
21 borrowing, and delivering shares of Meta and/or MMTLP, including records of  
22 instances where Citadel failed to deliver (FTD) shares of Meta and/or MMTLP  
23 and records of how Citadel rectified the outstanding FTDs.
- 24           5. All records of position data representing Citadel's position in Meta and/or  
25 MMTLP, including tal-lies of shares sold short that were located and/or  
26 successfully borrowed as well as shares sold short that were not located and/or  
27 successfully borrowed (e.g. the position corresponding to naked short sales),  
28

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1 produced at the frequency such data was recorded).

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3 Respectfully Submitted By:

4  
5 /s/ Clayton P. Brust

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